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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,902	01/27/2000	Cary Lee Bates	IBM/116	9216

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EXAMINER
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ABEBE, DANIEL DEMELASH

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/491,902

Applicant(s)

BATES et al.

Examiner

Daniel Abebe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 28, 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11, 13-16, 18-23, and 25-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 13-16, 18-23, 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The preceding final office action was issued in error.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8, 9, 13-16, 18-21, 25 and 26 are rejected under 35

U.S.C. 102(b) as being anticipated by Lee (5,504,805).

As to claim 1, Lee teaches a method of processing a voice message, the method comprising the steps of:

performing voice recognition on a portion of the voice message to generate textual representation of the voice message ( Col.2, lines 12-30);

extracting and determining position of spoken telephone number in the textual representation of the voice message ( Col.2, lines 12-30; Fig.2);

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playing the extracted telephone number (Col.2, lines 35-38); and  
automatically dialing the extracted telephone number (Col.2, lines 45-52).

As to claims 2-3, Lee teaches wherein the spoken number includes a plurality of telephone numbers in the voice message and occurrence position includes start position of a leading digit (Fig.2)

As to claims 4 and 5, Lee teaches enabling the user to control the message playback by receiving user's input during play back (Figs.3-6)

As to claim 6, Lee teaches displaying a portion of textual representation of the message (Col.2, lines 35-37).

As to claim 9, Lee teaches where the telephone numbers extracted are spoken telephone number (Col.1, lines 35-44; Col.2, lines 45-52).

As to claim 13, Lee teaches an apparatus, comprising:  
a memory for storing voice messages; and  
a program configured to perform voice recognition on a portion of the voice message to generate textual representation of the voice message, detecting a position of spoken numbers in the voice message, to determine a playback start position of the detected number and to play the telephone number and wherein the

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process repeated for subsequently extracted telephone numbers (Figs 1, 2, 6).

As to claims 14 and 15, Lee teaches wherein the spoken number includes a plurality of telephone numbers in the voice message and occurrence position includes start position of a leading digit (Fig.2).

As to claim 16, Lee teaches enabling the user to control the message playback by receiving user's input during play back (Figs.3-6)

As to claim 18, Lee teaches displaying a portion of textual representation of the message (Col.2, lines 35-37).

As to claim 8, 19 and 20, Lee teaches where the extracted numbers are automatically dialed at the request of the user (Col.2, lines 35-52).

As to claim 21, Lee teaches where the telephone numbers extracted are spoken telephone number (Col.1, lines 35-44; Col.2, lines 45-52).

As to claim 25, Lee teaches a program product, comprising:

a program/software configured to perform voice recognition on a portion of voice message to generate a textual representation of the voice message, including extracting spoken telephone numbers in a voice message and detecting starting

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position of the spoken number in the text, to determine playback position of the number and to playback the message; and

a signal bearing/storing medium for bearing the software (Figs.1-6).

As to claim 26, Lee teaches where the software storage medium includes one of a transmission medium and recording medium (Fig.1).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10-11, 22- 23 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Eting et al. (US 5,651,056; "Eting").

As to claim 10, Eting teaches a method of processing a voice message, the method comprising:

performing voice recognition on a portion of the voice message to detect/recognize spoken telephone numbers in the voice message (Fig.7), including the step of confirming the detected telephone number (Col.14, lines 18-35); and

automatically dialing the detected spoken telephone numbers (Fig.8A).

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As to claim 11, Eting teaches wherein the automatically dialing of the recognized numbers is performed in response to user input (Col.13, lines 50-56; Fig.6, 8A).

As to claim 22, Eting teaches an apparatus, comprising:

a memory for storing voice message; and

a program configured to perform voice recognition on the portion of the voice message to detect spoken numbers, and to automatically dial the detected spoken numbers (Figs.2A, 4, 7 and 8).

As to claim 23, Eting teaches wherein the program is configured to automatically dial the recognized numbers in response to user input (Col.13, lines 50-56; Fig.6, 8A).

As to claim 27, Eting teaches a program product, comprising:

a program configured to perform voice recognition on a voice message to detect spoken numbers in the voice message and to automatically dial the detected spoken numbers after confirmation (Fig.7 and 8); and

a signal bearing/storage medium bearing the program (Fig.3, numeral 430).

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***Response to Arguments***

6. Applicant's arguments filed on 10/28/02 have been fully considered but they are not persuasive. Applicant argument stating that Lee does not teach "the determination a playback start position ... based upon detected spoken number is" traversed. Lee's art is related to efficiently providing calling party's telephone number that is left in a voice mail to a user. The examiner disagrees and submits that Lee discloses identifying caller's telephone number left in a voice message, using voice (number) recognition/detection system, and where the detected number's are stored at an address separated from others message and conveyed to the called party, "prior/before to replaying the (rest) of the messages to the called party" (Col.2, lines 42-47).

Applicant also argued that Eting does not teach determining whether the numbers are telephone numbers or not. The Eting's art is related to recognizing spoken telephone numbers during telephone conversation as well as from messages left by the calling party, for the purpose of generating the recognized phone number during message playback and automatic dialing of said the telephone number. Eting clearly states that the invention comprises an accessory device where the accessory



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device includes “a spoken number recognizer operative to recognize telephone number” (abstract), Eting also teaches where the device includes a spoken telephone number confirmation device “operative to confirm the recognized telephone number” (Col.3, lines 64-68), Eting further teaches once the telephone number is recognized and confirmed it could be automatically re-dialed.

Therefore the Examiner submits that all the limitations in the claimed invention are anticipated by the teaching of Eting and Lee.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Daniel Abebe whose telephone number is (703) 308-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold, can be reached at (703) 305-4379. The facsimile phone number for this group is (703)872-9314.

Any inquiry of general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377

**Daniel Abebe, Patent Examiner-Art Unit 2654**



November 4, 2002

*Marsha D. Banks-Harold*  
**MARSHA D. BANKS-HAROLD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**